

108TH CONGRESS
2D SESSION

S. 2709

To provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2004

Mr. SMITH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Reforestation
5 Act of 2004”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the forest land derived from the public do-
9 main should be maintained in appropriate forest
10 cover with species of trees, degree of stocking, rate

1 of growth, and conditions of stand designed to se-
2 cure the maximum benefits of multiple use sustained
3 yield management;

4 (2) recent intense or stand replacing wildfires
5 and other natural disasters, including drought and
6 insect infestations, have destroyed forest ecosystems
7 and eliminated sources of tree seed for desired spe-
8 cies, which has delayed or precluded the reestablish-
9 ment of appropriate forest cover on millions of acres
10 of forest land derived from the public domain;

11 (3) reforestation treatments on forest land de-
12 rived from the public domain after a wildfire or
13 nonfire natural disturbance event restore appro-
14 priate forest cover, which provides multiple renew-
15 able resource benefits, including—

16 (A) protecting soil and water resources;

17 (B) providing habitat for wildlife and fish
18 populations;

19 (C) contributing to aesthetics;

20 (D) enhancing the recreational experience;

21 (E) providing a source of wood fiber for
22 domestic use; and

23 (F) ensuring the health and resiliency of
24 affected ecosystems for present and future gen-
25 erations;

1 (4) post-fire and natural disaster reforestation
2 needs should be accomplished quickly and in accord-
3 ance with applicable forest land management plans
4 to achieve desired forest conditions at the least cost
5 to other renewable resources values, such as—

6 (A) the loss of wildlife habitat;

7 (B) soil erosion; and

8 (C) water quality degradation;

9 (5) greater resources are needed to meet refor-
10 estation needs on forest land derived from the public
11 domain because of—

12 (A) damage from wildfire, disease, and in-
13 sect infestation; and

14 (B) declining revenues; and

15 (6) reforestation needs represent over 5 years of
16 reforestation work at current levels of reforestation,
17 with a backlog of needs accumulating each year.

18 (b) PURPOSES.—The purposes of this Act are to—

19 (1) provide increased funding for the reforest-
20 ation of appropriate forest cover on forest land de-
21 rived from the public domain; and

22 (2) promote timely reforestation treatment.

1 **SEC. 3. TRANSFERS TO TRUST FUND.**

2 Section 303(b)(2) of Public Law 96–451 (16 U.S.C.
3 1606a(b)(2)) is amended by striking “\$30,000,000” and
4 inserting “\$90,000,000”.

5 **SEC. 4. OBLIGATIONS FROM TRUST FUND.**

6 Section 303(d) of Public Law 96–451 (16 U.S.C.
7 1606a(d)) is amended—

8 (1) by redesignating paragraphs (1) and (2) as
9 subparagraphs (A) and (B), respectively, and indent-
10 ing appropriately;

11 (2) by striking the “The Secretary of Agri-
12 culture” and inserting the following:

13 “(2) REFORESTATION AND TIMBER STAND IM-
14 PROVEMENTS.—The Secretary of Agriculture”;

15 (3) by inserting before paragraph (2) (as des-
16 ignated by paragraph (2)) the following:

17 “(1) DEFINITIONS.—In this paragraph:

18 “(A) APPROPRIATE FOREST COVER.—The
19 term ‘appropriate forest cover’ means the spe-
20 cies of trees, the degree of stocking, the rate of
21 growth, and the conditions of a stand designed
22 to secure the maximum benefits of multiple use
23 sustained yield management.

24 “(B) MODERATE FIRE INTENSITY AREA.—
25 The term ‘moderate fire intensity area’ means

a burned area, with respect to which the Secretary of Agriculture has determined that—

“(i) factors indicate a high intensity burn has occurred on less than 40 percent of the burned area; and

“(ii) the burned area may—

“(I) be a potential flood source;

“(II) contain water-repellent soils; or

“(III) yield abnormally high overland runoff.

“(C) HIGH FIRE INTENSITY AREA.—The term ‘high fire intensity area’ means a burned area, with respect to which the Secretary of Agriculture has determined that—

“(i) the factors indicate a high-intensity burn has occurred on 40 percent or more of the burned area; and

“(ii) the burned area is a potential flood source.

“(D) NONFIRE NATURAL DISTURBANCE EVENT.—The term ‘nonfire natural disturbance event’ means an event that the Secretary of Agriculture has determined—

1 “(i) is a result of insect or disease in-
 2 festation, storm damage, or other natural
 3 occurrences; and

4 “(ii) requires reforestation treatment
 5 to restore appropriate forest cover.”.

6 (4) in paragraph (2) (as designated by para-
 7 graph (2))—

8 (A) in subparagraph (A) (as redesignated
 9 by paragraph (1))—

10 (i) by inserting “, subject to subpara-
 11 graph (B),” after “reforestation”; and

12 (ii) by striking “and” at the end;

13 (B) by redesignating subparagraph (B) (as
 14 redesignated by paragraph (1)) as subpara-
 15 graph (C); and

16 (C) by inserting after subparagraph (A)
 17 (as redesignated by paragraph (1)) the fol-
 18 lowing:

19 “(B) reforestation treatment to restore ap-
 20 propriate forest cover on forest land derived
 21 from the public domain that is capable of grow-
 22 ing trees and that is a moderate fire intensity
 23 area or high fire intensity area or that has been
 24 severely affected by a nonfire natural disturb-
 25 ance event, if—

“(i) the need for the reforestation treatment is identified in the report submitted to Congress under section 3(e)(1) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(e)(1)); and

“(ii) the reforestation treatment occurs within 5 years of—

“(I) if there is no harvest activity following the wildfire or the nonfire natural disturbance event, a wildfire or a nonfire natural disturbance event;

“(II) if a regeneration harvest is the final cut in a stand in a disturbed area, the regeneration harvest; or

“(III) if a salvage harvest is the final cut in a stand in a disturbed area, the salvage harvest; and”; and

(5) by adding at the end the following:

“(3) COLLEGES AND UNIVERSITIES.—In addition to amounts authorized under paragraph (2), the Secretary of Agriculture may obligate up to 10 percent of the sums the Secretary expends annually from the Trust Fund to supplement expenditures of

1 the Forest Service to enter into cooperative agree-
2 ments with colleges and universities (including for-
3 estry schools, land grant colleges and universities,
4 1890 Institutions, and Tuskegee University) to con-
5 duct research to promote or enhance reforestation.”.

6 **SEC. 5. TECHNICAL AMENDMENT.**

7 Section 3 of the Forest and Rangeland Renewable
8 Resources Planning Act of 1974 (16 U.S.C. 1601) is
9 amended—

10 (1) by redesignating subsection (e) as sub-
11 section (f); and

12 (2) by redesignating the second subsection (d)
13 as subsection (e).

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